

REMARKS/ARGUMENTS

Upon entry of this Amendment, claims 1-15 are all the claims pending in the application. Claims 1-11 have been examined and each of these claims stand rejected. Claims 12-15 are new.

Regarding the claim rejections, claims 1-11 stand rejected under 35 U.S.C. 112, ¶ 2, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention, claims 1, 3, 4, 6-1 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Juestel et al (PGPUB 20020027420; "Juestel") in view of Fiene et al (USPN 6814462; "Fiene"), claim 2 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Juestel in view of Fiene in view of Nishio et al (USPN 5828170; "Nishio"), and claim 5 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Juestel in view of Fiene in view of Applicant's alleged Admitted prior art. For the reasons set forth below, Applicant respectfully traverses the rejections of claims 1-11 and requests favorable disposition of the application.

Rejection of Claims 1-11 Under 35 U.S.C. §112, ¶2

The grounds of rejection state, with respect to independent claim 1, "[i]t is not clear what is at least partially evacuated, the glass envelope or the gas discharge tube." Applicant respectfully submits that one of ordinary skill in the art would clearly understand from the specification of the instant application that it is the recited *volume around the gas discharge tube* that is at least partially evacuated with respect to claim 1. For example, within ¶ [0015] on page 2 of the published application (2005/0179390) it is expressly disclosed;

[t]he sealed volume 235 between the VLES 240 and the gas discharge tube 230 may be evacuated, partially evacuated, pressurized or filled with any mixture of gases known to those skilled in the art to minimize heat loss from the gas discharge tube 230, thereby improving the thermal efficiency of the CFL. The UV photons emitted from the gas discharge tube are absorbed by a phosphor coating placed on the inside of the VLES 240. (emphasis added)

Based on at least the disclosure above, Applicant submits that it is clear that the sealed volume, for example volume 235 in FIG. 2, is the volume that is “at least partially evacuated.” Accordingly, Applicant submits that independent claim 1 satisfies all requirements of 35 U.S.C. §112 and, thus, requests that the §112 rejection to claims 1-11 be withdrawn.

Rejection Under 35 U.S.C. §103

The grounds of rejection assert that independent claim 1, as well as dependent claim 4, is obvious under 35 U.S.C. §103 over the disclosure of Juestel in view of Fiene. For the following reasons Applicant respectfully traverses this rejection. In particular, as recognized by the Examiner, Juestel is silent with respect to its disclosed ballast being one of “high frequency.” The examiner asserts, however, that Fiene teaches a “high frequency” ballast for a compact fluorescent lamp.

Indeed, the present specification defines the term “high frequency” as “any frequency above 1KHz.” However, as further disclosed, and claimed in claim 4, an exemplary embodiment of the invention operates at frequencies in the range 100 kHz to 450 kHz, a range well beyond the typical operating frequency range of 100 Hz to 100 kHz for common fluorescent lamp ballasts. (see, e.g., USP 6,124,678 at col. 12, lines 20-25). Applicant has, accordingly, amended independent claim 1 to recite the disclosed operating range above 100 kHz.

The examiner noted that Fiene discloses an operating frequency of “about 100 kHz.” More precisely, however, at column 7, lines 31-35, of Fiene discloses that the “high frequency” operation of the ballast is within the range 18 kHz to 100 kHz, i.e., within the upper portion of the well recognized operating range of 100 Hz to 100 kHz, as noted above. Neither Juestel nor Fiene teaches or otherwise suggests a ballast for a compact fluorescent lamp operating above 100 kHz or between 100 kHz and 450 kHz, as expressly recited in claims 1 and 4, respectively. For at least this reason, Applicant respectfully submits that independent claims 1 and 4 are patentable over Juestel and Fiene, alone or in combination.

Nishio fails to compensate for the deficiencies in Juestel and Fiene noted above and, thus, claims 2, 3 and 5-11, which all depend from claim 1, are patentable over the prior art of record.

Patentability of New Claims

Consistent with the disclosed embodiments of the invention Applicant has added new claims 12-15 to provide additional scope of coverage. New claims 12-15 are believed to be patentable over the cited art of record at least for the same reasons as claims 1-11.


Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned attorney at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 18-2220. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

Date: January 12, 2007


Kevin M. Barner
Reg. No. 46,075
Attorney for Applicant

Roylance, Abrams, Berdo & Goodman, L.L.P.
1300 19th Street, N.W., Suite 600
Washington, D.C. 20036-2680
Main: (202) 659-9076
Direct: (202) 530-7394